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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WELLS FARGO BANK NA,

Plaintiff,

v.

THOMAS FORBES, et al.

Defendants.

Case No. ED CV 15-00825-AB (SSx)

**ORDER GRANTING EX PARTE  
APPLICATION SHORTENING  
TIME; AND**

**GRANTING MOTION TO REMAND**

On April 27, 2015, Defendant Jason Wilson, having been sued as a tenant-Defendant in what appears to be a routine unlawful detainer action in California state court, filed a Notice of Removal of that action to this Court. (Dkt. No. 1.)

On April 29, 2015, Plaintiff Wells Fargo Bank NA filed a motion to remand (Dkt. No. 10) and an *ex parte* application to shorten time on the motion to remand. (Dkt. No. 11.)

Having read and considered the papers filed by Plaintiff, the Court hereby **GRANTS** Plaintiff's *ex parte* application and motion to remand (Dkt. Nos. 10-11), and this action is hereby **REMANDED** to state court for lack of subject matter jurisdiction.

As a routine unlawful detainer action, Plaintiff could not have brought this action in federal court initially because the complaint does not competently allege facts creating subject matter jurisdiction, rendering removal improper. 28 U.S.C. §1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563 (2005).

Under 28 U.S.C. §§ 1331, 1441(b), this unlawful detainer action does not give rise to a federal question or substantial question of federal law because unlawful detainer “is purely a creature of California law.” *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117 (N.D. Cal. June 6, 2011). Additionally, this unlawful detainer action does not give rise to diversity jurisdiction under 28 U.S.C. §§ 1332, 1441(b) because the underlying complaint states that the amount in controversy does not exceed \$10,000 and, further, removal on the basis of diversity jurisdiction is not proper because Wilson resides in the forum state. 28 U.S.C. § 1441(b).

Accordingly, the Court:

(1) **REMANDS** this case to the Superior Court of California, Riverside County, Historic Courthouse, 4050 Main Street, Riverside CA 92501, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);

(2) **ORDERS** the Clerk to send a certified copy of this Order to the state court; and

(3) ORDERS the Clerk to serve copies of this Order on the parties.

Defendant's request to proceed in forma pauperis (Dkt. No. 3) is **DENIED** as moot.

## **IT IS SO ORDERED**

Dated: April 30, 2015



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HONORABLE ANDRÉ BIROTE JR.  
UNITED STATES DISTRICT COURT JUDGE